

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, September 15, 2010 – 2:00 p.m. – Room 250 State Capitol

Members Present:

Rep. Paul Ray, House Chair
Sen. J. Stuart Adams
Sen. Allen M. Christensen
Sen. David P. Hinkins
Sen. Patricia W. Jones
Sen. Luz Robles
Rep. Trisha S. Beck
Rep. Joel K. Briscoe
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Eric K. Hutchings
Rep. Kay L. McIff

Rep. Ronda Rudd Menlove
Rep. Phil Riesen
Rep. Dean Sanpei
Rep. Evan J. Vickers

Members Absent:

Sen. D. Chris Buttars, Senate Chair
Rep. Stephen E. Sandstrom

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Cathy Dupont, Associate General Counsel
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ray called the meeting to order at 2:45 p.m., without a quorum present.

MOTION: With a quorum present, Sen. Christensen moved to approve the minutes of the June 23 and August 18, 2010 meetings. The motion passed unanimously. Sen. Robles, Rep. Briscoe, Rep. McIff, and Rep. Ray were absent for the vote.

2. Sunset Review: Direct-entry Midwife Administrative Rules Advisory Committee

Mr. Andrews discussed "Guidelines for Conduct of Sunset Review" and referred the Committee to Utah Code Annotated Title 58, Chapter 77, Direct-entry Midwife Act. Both were included in the mailing packet.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing (DOPL), distributed "Response to Sunset Review Questions for the Direct-entry Midwife Administrative Rules Advisory Committee." He explained that the advisory committee has met its purpose and is no longer needed. He recommended that it be allowed to sunset.

Ms. Holly Richardson, Chair, Licensed Direct-entry Midwife Board, explained that the advisory committee was created to allow input from multiple parties. She pointed out that the advisory committee was meant to eventually sunset.

Mr. J. Casey Hill, Utah Medical Association, said that the association would like to have some type of continued collaboration—possibly requiring that proposed changes to direct-entry midwife rules be reviewed by the Physician's Licensing Board. Ms. Richardson said that she would be opposed to that.

3. Controlled Substance Database

Chair Ray turned the chair over to Rep. Vickers

Mr. Steinagel discussed three bills passed during the 2010 General Session affecting the use of DOPL's controlled substance database (CSD). He distributed charts showing CSD accounts and activity. He explained that when the database was created, there was a lot of fear about information security. Although there has not yet been a breach of the CSD data, access to the database is an important issue that the Legislature needs to consider. Mr. Steinagel reported that the state is in contract negotiations with a bidder to develop a real-time CSD.

Rep. Daw explained 2011 General Session draft legislation, "Controlled Substance Database - Licensing Amendments" (2011FL-0110/007), which was mailed to the Committee. He indicated that the bill would allow a prescriber 30 days to register with DOPL to use the CSD.

MOTION: Rep. Daw moved to pass 2011 General Session draft legislation, "Controlled Substance Database - Licensing Amendments" (2011FL-0110/007) as a committee bill. The motion passed unanimously. Sen. Adams, Sen. Robles, Rep. Briscoe, Rep. Hutchings, Rep. McIff, and Rep. Ray were absent for the vote.

Rep. Daw requested that DOPL provide information at the next interim meeting on interstate access to the CSD and integration of the CSD with the electronic exchange of clinical health information (cHIE). Mr. Steinagel said that he could probably be prepared to discuss interstate access to the CSD, but may not be ready to discuss integration.

4. Pharmacy Benefits Manager Act

Rep. Vickers turned the chair over to Sen. Christensen.

Rep. Vickers discussed 2011 General Session draft legislation, "Pharmacy Benefits Manager Act" (2011FL-0118/008). He explained that this particular area of health care is one that has avoided transparency. He discussed the savings other states have realized by adopting similar provisions. He responded to questions from the Committee.

Mr. Jeff Jensen, Director, Public Employees Health Program, spoke in support of the bill because of the transparency it provides.

Mr. Frank Pignanelli, Medco Health Care Solutions, stated that the goal for transparency is laudable. However, he said, Medco has some concerns with the bill and looks forward to meeting with Rep. Vickers to address them.

Mr. Lincoln Shurtz, CVS Caremark Pharmacies, stated he would like to continue discussions with Rep. Vickers in an effort to develop solutions that will address the concerns CVS Caremark has with the legislation.

MOTION: Rep. Vickers moved to bring the legislation back to the Committee later in the year. The motion passed unanimously. Sen. Adams, Rep. McIff, and Rep. Ray were absent for the vote.

5. Authentic Charity Care Medicaid Pilot Program

Rep. Menlove discussed 2011 General Session draft legislation, "Authentic Charity Care Medicaid Pilot Program" (2011FL-01146/002), which was mailed to the Committee. She expressed concern about the increasing reliance of individuals on government services. She indicated the bill would authorize Medicaid staff to put together a very small pilot program that would allow a select group of people to do acts of charity in exchange for their Medicaid services.

Mr. Michael Hales, Director, Division of Health Care Financing, discussed Medicaid's growing population. He expressed support for the concept of a pilot program and said he hoped that such a program could yield insights that could be used to impact the health reform population that will be coming into Medicaid in 2014.

Rep. Menlove and Mr. Hales responded to questions from the Committee.

The Committee discussed several issues related to the proposed pilot program including what is "authentic" charity care, the criteria for participation in the pilot program, the potential for punitive action if individuals were to opt out, and how many full-time equivalent employees would be required to administer the program,

Dr. David Sundwall, Executive Director, Utah Department of Health, complimented Rep. Menlove for her efforts in trying to address increasing costs. He pointed out that through Medicaid information is available on who is not working and why. He said that the department has been able to identify many beneficiaries who, it believes, could give back through the pilot program.

Mr. Lincoln Nehring, Utah Policy Project, expressed concern that the pilot program would focus on primary care network individuals, who are low-income working adults who are unable to receive health care coverage elsewhere. He pointed out that the program is not volunteerism, it is community service.

Ms. Sheila Walsh McDonald, Community Action Program, noted that she is not opposed to having Medicaid enrollees work in the community; however, she does not want medical care to be contingent upon the service.

Mr. Michael Siler, American Cancer Society, expressed concern that adding work requirements to Medicaid would prevent some people from getting necessary cancer screenings. He also noted that the pilot would be costly and affect provider reimbursement. He indicated that profiling Medicaid recipients is discriminatory and will likely be counterproductive.

MOTION: Sen. Jones moved to adjourn. The motion passed unanimously.

Sen. Christensen adjourned the meeting at 4:45 p.m.